

IN The United States District Court
for The Middle District of ALABAMA

Southern Div 10:06

Ronald David MALONE

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South East Alabama Medical
Center, Et. Al.

DE 11-10-1967
DISTRICT COURT
DISTRICT ALA

Civil Action No. 1106 CD48-WHA

How. Charles S. Coody

Chief United States Magistrate Judge

Show Cause Motion

Comes now Ronald David MALONE, by Pro-se Answer This Honorable Court In the Above-styled Cause And for The following There of:

1. IN This Instant Cause Plaintiff has set forth Allegation And physical Evidence In support of My Fraud Claim Against All named Defendant, Plaintiff Pleaded Fraud Required by 18 USC § 1341, And Fed R. Civ. P. 9(b) 4 The Payment of the Hospital Bill was paid by Medicare A Government Health Care Program, Plaintiff Also has shown Defendant's Knowledge of fraudulent Records, These Document of Fraud shows Dates Time And Signature That is Required by 18 USC § 784 - 4(b)(2) Plaintiff Wrongful Death, Medical Malpractice And Fraud Claim All these Claim Arise from Common Nucleus of Operative facts Which Gives This Court proper Jurisdiction, All Defendants And Plaintiff Are Resident of the state of Alabama In the Middle District, Plaintiff Object to This Honorable Court Contention That It does not Have subject matter Jurisdiction, I sanction My Claim under Fed R. Civ. P. 12(h)(3) Which states objection to subject matter Jurisdiction Can be made at Any time^{*} See E.W. v. School Bd. of Miami-Dade County Fla 2004, SD. Fla. 307 F. Supp. 2d. 1363, 17 Flw Fed. D. 403, Plaintiff Civil Action Clearly shows Defendant Acts And Omission To Provide The Standard of Care Required by Medicare And Required for Their Patient's, The Defendant's "Deliberate Indifference And Complete

disregard" for we as citizens of the United States and Defendant's show of complete disregard for our rights to receive the standard of care is sufficient allegation of intent to commit fraud, medical malpractice and wrongful death. The Defendant's and/or its agents wrong Dr. A. Nois Cause the death of B.B.B. unborn child. This standard of care falls below what the Public Health Service Act under 42 USCS 300bb et. seq. requires for health care providers. In form a pauper's complaint is not automatically frivolous under 28 USCS § 1915 simply because it fails to state claim as drafted see Money v. Moore (1989, CA 8 MO) (877 F.2d. 9. In this instant cause there is clearly material facts with evidence that is so substantial as is of such weight that a fair minded person in the exercise of impartial judgment reasonably infer the existence of the facts to be proved. This Honorable Court should review the records and complaint in a light most favorable to the Plaintiff and must resolve all reasonable doubts. For what weight state law have in Federal proceeding, The Plaintiff in this instant cause should be provided the chance and right to have their day in court. Article III, Constitution 1901, provides that the right of trial by jury "shall" remain inviolate. Moreover, Rule 38 (A.) A.R.C.P. provides that right of trial by jury as declared by the Constitution of the United States. The Alabama Supreme Court in Pappa v. Bowyer, 268 ALA 185, 105 So.2d. 87 (1958) addressing the issue of proximate cause of medical malpractice suits, the rule of our case in malpractice suits is that there must be something more than a mere possibility. This cause does not eliminate the effect of Alabama "Scintilla Rule", if there is a scintilla of evidence that the negligence complained of probably caused the

IN JURY, THIS PRESENT A QUESTION OF FACT FOR THE JURY'S DETERMINATION. THE COMPLAINT CONTAINS FACTS THAT MERIT CONTINUED PROCEEDING. IT IS WELL SETTLED UNDER THIS COURT'S JURISDICTION THAT MATERIAL FACTUAL ALLEGATION TO WHICH PLAINTIFF ALLEGES IN THEIR COMPLAINT ARE TRUE, IS SUFFICIENT TO STATE A CAUSE OF ACTION FOR WRONGFUL DEATH, FRAUD AND MEDICAL MALPRACTICE. I ASK THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE OF STATE STATUTE § 6-5-483 CODE OF ALABAMA 1975. THIS COURT IS BOUND BY THE VERY STATUTE USED THRUOUT THIS SHOW CAUSE MOTION FOR PROCEEDING TO CONTINUE AND AVOID DISMISSAL AS A MATTER OF LAW. PLAINTIFF DAUGHTER HAS SUFFERED MENTAL DEPRESSION, SUICIDE ATTEMPTS PERMANENT PHYSICAL AND MENTAL DAMAGE BEHIND THE ABOVE-NAMED DEFENDANT'S ACT AND OMISSION IN THE HOST OF B.B.B. CHILD. I ASK THAT THIS CAUSE BE GRANTED IN THE INTEREST OF TRUE JUSTICE AND THAT THE DEFENDANT'S BE ORDER TO ANSWER TO PLAINTIFF ALLEGATION AND THAT THIS HONORABLE COURT MAKE IT JUST AND IMPARTIAL DECISION. IT COULD BE POSSIBLE THAT MEDICARE AND MEDICAID HAS BEEN ALSO DEFRAUDED BY THE DEFENDANT'S. THE UNITED STATES ATTORNEY GENERAL IN WASHINGTON HAS BEEN NOTIFIED OF THE ALTERCATIONS OF MY DAUGHTER MEDICAL RECORDS, SO I ASK THAT THIS COURT ALLOW ME AND FAMILY TO HAVE OUR DAY IN FEDERAL COURT.

WHEREFORE I PRAY THIS HONORABLE COURT PLEASE GRANT MY SHOW CAUSE MOTION AS A MATTER OF LAW AND OF TRUE JUSTICE AND SO THAT JUSTICE CAN BE OBTAINED.

Respectfully Submitted
Linda Cecil Jones